

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

STEPHEN J. HOLMES, ESQ.
Special Administrator
of the Estate of
JOHN A. CHESLEY
5905 Harford Road
Baltimore, Maryland 21214

*** Case No.: 93-3332 (MD)(1)**

*** Case No.: MDL-875 (PAE)**

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✻



and

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BERNARD T. CLARK, *
Personal Representative of the Estate of *
JOYCE CHESLEY, Then Surviving Spouse *
of JOHN A. CHESLEY *
11 N. Athol Street *
Baltimore, Maryland 21229-2857 *

use

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✻

Plaintiffs

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✻

V.

AC and S, INC., et al.

✻

Defendants

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**MOTION FOR LEAVE TO AMEND AND FOR SUBSTITUTION OF PARTIES
AND INCLUSION OF WRONGFUL DEATH CLAIM**

1. Stephen J. Holmes, Esq. moves this Court for an Order substituting him, in his capacity as Special Administrator of the Estate of John A. Chesley, Plaintiff herein deceased, as Plaintiff in this action, without prejudice to the proceedings already had in this action and, as grounds therefore, shows to the Court that John A. Chesley, Plaintiff herein, died on January 5, 2003; that the said Stephen J. Holmes, Esq. was appointed Special Administrator of the Estate of John A. Chesley by the Register of Wills for Baltimore City on January 4, 2006, and that he is qualified and is acting as

Special Administrator; and that this is an action at law for personal injuries and therefore the claim has not been extinguished by the death of Plaintiff.

2. Bernard T. Clark, Personal Representative of the Estate of Joyce Chesley, plaintiff and then-surviving spouse of John A. Chesley, now deceased, moves this Court for an Order adding her wrongful death claim, in her capacity as Plaintiff and then surviving spouse of John A. Chesley, Plaintiff herein, deceased, without prejudice to the proceedings already had in this action and, as grounds therefore, shows to the Court that John Chesley, Plaintiff herein, died on January 5, 2003; that the said Joyce Chesley had lost and been deprived of the services, care, attention, society, companionship, comfort, protection, marital care, advice, counsel and guidance which her husband rendered to her while alive.

WHEREFORE, Stephen J. Holmes, Esq., Special Administrator of the Estate of John A. Chesley, requests this Court to substitute him as Plaintiff herein in place of John A. Chesley, deceased, and Bernard T. Clark, Personal Representative of the Estate of Joyce Chesley, then-surviving spouse of John A. Chesley, requests this Court's permission to add her wrongful death claim.

/s/ Kathleen M. Brown
KATHLEEN M. BROWN
Bar No.: 26551
Law Offices of Peter G. Angelos
A Professional Corporation
5905 Harford Road
Baltimore, Maryland 21214
(410) 426-3200

ATTORNEY FOR PLAINTIFF

STATEMENT OF AUTHORITIES

1. United States District Court for the District of Maryland Local Rule 103(b) and (c).

/s/ Kathleen M. Brown
KATHLEEN M. BROWN
Bar No.: 26551
Law Offices of Peter G. Angelos
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5905 Harford Road
Baltimore, Maryland 21214
(410) 426-3200

ATTORNEY FOR PLAINTIFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

STEPHEN J. HOLMES, ESQ.,
Special Administrator of the Estate of
JOHN A. CHESLEY
and

* **Case No.: 93-3023 (MD)(1)**
* **Case No. : MDL-875 (PAE)**

BERNARD T. CLARK,
Personal Representative of the Estate of
JOYCE CHESLEY

Plaintiffs

V.

A C and S, INC., et al.,

Defendants

ORDER

1. On Motion of Stephen J. Holmes, Esq. for substitution in place of John A. Chesley, deceased, it appearing to the Court that the said John A. Chesley died intestate on January 5, 2003, that the claim asserted by him in this action was not thereby extinguished; and that Stephen J. Holmes, Esq. has been appointed as Special Administrator of the Estate of John A. Chesley and is qualified to act as such..

2.. On Motion of Bernard T. Clark, Personal Representative of the Estate of Joyce Chesley, Plaintiff and then-surviving spouse of John A. Chesley, deceased, for the addition of her wrongful death claim, it appearing to the Court that the said John A. Chesley died on January 5, 2003; that Joyce Chesley and John A. Chesley were husband and wife at the time of his death.

IT IS ORDERED, that Stephen J. Holmes, Esq. Special Administrator of the Estate of John A. Chesley, be substituted as Plaintiff herein in place of John A. Chesley, without prejudice to any proceedings heretofore had in this action, and that the title of the action be amended accordingly.

IT IS HEREBY ALSO ORDERED, that Bernard T. Clark, Personal Representative of the Estate of Joyce Chesley, then-surviving spouse of John A. Chesley, be permitted to add her wrongful death claim to this action without prejudice to any proceedings heretofore had in this action.

JUDGE

DATE: _____